

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TOD CURTIS, individually and as beneficiary,)	
FIRST UNITED TRUST COMPANY, as Trustee)	
under Trust No. 10510, and ELTO RESTAURANT,)	
INC., an Illinois corporation,)	
)	
Plaintiffs,)	Case No. 08-cv-3527
)	
vs.)	
)	
IRVANA K. WILKS, Village of Mount Prospect Mayor)	Honorable John Z. Lee
and Local Liquor Control Commissioner, MICHAEL E.)	
JANONIS, Village of Mount Prospect Manager,)	Magistrate Rowland
WILLIAM COONEY, Village of Mount Prospect)	
Economic Director, WILLIAM SCHROEDER, Village of)	
Mount Prospect Building Commissioner, ROBERT)	
ROELS, Village of Mount Prospect Environmental Health)	
Manager, FRANK KRUPA, Village of Mount Prospect)	
Environmental Health Inspector, OZ DEVELOPMENT,)	
LLC, ERROL OZTEKIN, and the VILLAGE OF)	
MOUNT PROSPECT,)	
)	
Defendants.)	

**PROVISIONAL MOTION TO RETAIN JURISDICTION
AND ENFORCE SETTLEMENT AGREEMENT**

The Plaintiffs, Tod Curtis, individually and as beneficiary, First United Trust Company, as Trustee under Trust No. 10510, and Elto Restaurant, Inc. (collectively, “Plaintiffs”), by their attorneys, Riccardo A. DiMonte, David T. Arena, Margherita M. Albarello and Ryan R. Van Osdol of DiMonte & Lizak, LLC, move the Court to retain jurisdiction and enforce the settlement agreement, and state as follows:

1. The parties and insurance carriers reached a settlement agreement over the weekend of July 4, 2014.

2. On July 7, 2014, the Court acknowledged the settlement agreement and dismissed the case with leave to reinstate within 30 days, which expire on Wednesday, August 6, 2014.

3. The parties have agreed upon the terms of a written settlement agreement and the Plaintiffs have signed it. However, the Village Defendants' formal board meeting to approve the settlement agreement is scheduled for the evening of Tuesday, August 5, the 29th day.

4. The Plaintiffs will not know whether the Village Board has approved the settlement agreement until Wednesday, August 6, the 30th day.

5. The parties expect that the Mount Prospect Village Board will approve the settlement on Wednesday, August 5. However, in the event it does not, the Plaintiffs deem it prudent to have this motion on file prior to the expiration of the 30th day.

6. The Plaintiffs intend to withdraw this motion if the Village Board approves the settlement on August 5, 2014.

WHEREFORE, the Plaintiffs, Tod Curtis, individually and as beneficiary, First United Trust Company, as Trustee under Trust No. 10510, and Elto Restaurant, Inc., pray for an order provisionally retaining court jurisdiction to enforce the settlement agreement in the event the Mount Prospect Village Board does not approve the settlement agreement on Wednesday, August 5, 2014.

Respectfully submitted,

Tod Curtis, First United Trust Company, as
Trustee under Trust No. 10510, and
Elto Restaurant, Inc.,

By: /s/ Riccardo A. DiMonte
One of the attorneys for Plaintiffs

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